

**FRIEDMAN, JAMES & BUCHSBAUM LLP**

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

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In the Matter of the Complaint of

Civil Action No: 13-315 (WJM)

:

SEASTREAK, LLC, as Owner of the

**CLAIM OF RACHARD LINDO**

for Exoneration from or Limitation

:

**(with jury trial demand)**

of Liability

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Claimant, RACHARD LINDO, by his attorneys, **FRIEDMAN, JAMES & BUCHSBAUM LLP**, claiming of limitation plaintiff SeaStreak, LLC (“SeaStreak”) as owner, owner *pro hac vice* and/or charterer of the vessel SEASTREAK WALL STREET pursuant to Rule F(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and without prejudice to claimant’s right to seek a trial by jury of his claims, whether in the within Court or within an appropriate state court as authorized by the “saving to suitors” clause of The Judiciary Act of 1789, as amended, codified at 28 U.S.C. § 1331(1), states as follows:

1. Claimant, Rachard Lindo is, and at all relevant times was, a citizen and resident of the State of New York.

2. At all relevant times, SeaStreak was and still is a limited liability company organized and existing pursuant to the laws of the State of Delaware authorized to transact business, and transacting business, within the States of New York and New Jersey, with its office and principal place of business located at Atlantic Highlands, New Jersey.

3. At all relevant times, SeaStreak owned, chartered, operated, maintained, and/or otherwise controlled the vessel SEASTREAK WALL STREET.

4. At all relevant times, claimant Rachard Lindo was a passenger lawfully on board the vessel SEASTREAK WALL STREET.

5. On or about January 9, 2013, at or about 8:40 a.m., SeaStreak, by its employees, agents and/or crew, was steering, operating and navigating the vessel SEASTREAK WALL STREET within the navigable waters of the State of New York in the East River, at or about Pier 11 off of downtown Manhattan, New York.

6. At the time and place aforesaid, claimant Rachard Lindo was caused to sustain serious and severe personal injuries as a result of the allision of the vessel SEASTREAK WALL STREET with a pier, believed to be the aforementioned Pier 11.

7. The injuries to claimant Rachard Lindo were caused by the negligence within the privity and knowledge of SeaStreak and/or its employees and agents who, among other things, failed to insure the seaworthiness and adequacy of the vessel SEASTREAK WALL STREET and its equipment and appurtenances for the task it undertook to perform at the commencement of the voyage and thereafter; failed to insure that the vessel SEASTREAK WALL STREET was seaworthy

and adequate in all respects for the task it was performing at the time of the incident; failed to provide proper and adequate navigational and propulsion equipment, appurtenances, devices and other vessel gear; failed to provide proper and adequate safety equipment; failed to insure the proper use of available safety equipment; failed to provide proper and adequate instruction and training to the vessel's crew and passengers; failed to keep a proper and vigilant lookout; failed to properly operate and control the vessel SEASTREAK WALL STREET; failed to provide a seaworthy vessel, and in such other and further respects as discovery in this matter may reveal.

8. The injuries to claimant Rachard Lindo were caused by the unseaworthy condition of the vessel SEASTREAK WALL STREET, its gear, equipment, and/or appurtenances which was within the privity and knowledge of SeaStreak.

9. As a result of the foregoing, claimant Rachard Lindo was violently thrown about and generally injured and wounded, with bones, muscles, nerves, ligaments, tissues, tendons and vital organs of his body fractured, wrenched, bruised, sprained and otherwise injured, and he sustained internal injuries, as well as great mental anguish, suffering and terror.

10. Claim is hereby made for damages for, among other things, (a) the terror and agonizing physical, mental and emotional pain and suffering which accompanied the incident alleged herein; interest from the date of the incident; and other damages permitted by all applicable laws.

**WHEREFORE**, claimant Rachard Lindo demands judgment against plaintiff SeaStreak, LLC, together with pre-judgment interest, punitive damages, and the costs and disbursements incurred in maintaining this action, together with such other and further relief as this Court deems just and proper.

Dated: April 2, 2014

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for claimant RACHARD LINDO

By: /s/ Andrew V. Buchsbaum  
Andrew V. Buchsbaum (AB-6495)

TO: **By ECF:**

All Counsel of Record